

AMENDED IN ASSEMBLY APRIL 4, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 210

Introduced by Assembly Member Solorio

January 31, 2011

An act to amend ~~Section 1797.270~~ of Sections 1797.105, 1797.224, and 1797.270 of, to add Sections 1797.95 and 1797.225 to, and to repeal Section 1797.201 of, the Health and Safety Code, relating to emergency medical services.

LEGISLATIVE COUNSEL'S DIGEST

AB 210, as amended, Solorio. Emergency medical services.

Existing

(1) *Existing* law establishes the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act, which governs local emergency medical service systems. ~~The act establishes the Emergency Medical Services Authority, which is responsible for the coordination and integration of all state activities concerning emergency medical services. The act requires the authority to receive plans for the implementation of emergency medical services and trauma care systems from local EMS agencies and authorizes a local EMS agency to appeal a determination that a plan does not effectively meet the needs of the persons served, among other things.~~

This bill would authorize a prehospital EMS provider, as defined, to appeal the authority's determination.

(2) *The act requires a county to enter into a written agreement with a city or fire district that contracted for, or provided, as of June 1, 1980, prehospital emergency medical services regarding the provision of these services for the city or fire district, as specified. The act requires,*

until an agreement is reached, prehospital emergency medical services to be continued at not less than the existing level, unless reduced by the city council or the governing body of the fire district, as specified.

This bill would repeal these requirements.

(3) The act authorizes a local EMS agency to create one or more exclusive operating areas in the development of a local plan, as specified, and requires a local EMS agency that creates an exclusive operating area in its local plan to develop and submit the local EMS agency's competitive process for selecting providers and determining the scope of their operations to the authority.

This bill would require a local EMS agency to grant an exclusive operating area or authorization to provide the same prehospital emergency medical services to a city, county, fire district, or other governmental entity that has continuously contracted for, or provided, these services since June 1, 1980, if this prehospital EMS provider has not entered into an agreement with the local EMS agency to provide prehospital emergency medical services for a city, county, or fire district. It would require a prehospital EMS provider granted an exclusive operating area or authorization to provide prehospital emergency medical services to enter into a written agreement with the local EMS agency by December 31, 2013. It would also require prehospital EMS providers to be subject to the medical control of the local EMS agency and comply with local EMS agency policies and procedures regarding administration of the local EMS system.

(4) The EMS act authorizes the establishment of an emergency medical care committee in each county and requires the committee to annually review ambulance services operating within the county, emergency medical care offered within the county, and first aid practices in the county. The act also requires the committee to report its observations and recommendations relative to this review to the ~~Emergency Medical Services Authority~~, authority and the local EMS agency.

This bill would require the ~~establishment~~ membership of an emergency medical care committee in each county to be representative of the EMS participants. ~~By~~

(5) By increasing the duties of local officials, this bill would impose a state-mandated local program.

~~The~~

(6) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

*Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.*

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Emergency medical services (EMS) system coordination
4 remains the key factor in efficiently delivering the highest level
5 of prehospital patient care and emergency transport.

6 (b) All providers and stakeholders in the EMS delivery system
7 must be guided by consistent, clear standards regarding their rights,
8 responsibilities, and duties arising out of the provision of
9 prehospital emergency medical care to their respective
10 communities.

11 (c) Agencies responsible for developing and maintaining a local
12 emergency medical services plan must be guided by and responsive
13 to reasonable and consistent standards for evaluating and
14 determining the scope, manner, and types of services provided
15 within their respective jurisdictions, particularly when making
16 determinations regarding exclusive operating areas and the
17 concomitant rights under Section 1797.201 of the Health and Safety
18 Code.

19 (d) Over 20 years of litigation magnifies the need for further
20 statutory guidance to ensure that the California EMS community
21 continues its focus on its primary mission, providing excellent care
22 to the citizens they serve.

23 SEC. 2. *Section 1797.95 is added to the Health and Safety*
24 *Code, to read:*

25 1797.95. *“Prehospital EMS provider” means a city, county,*
26 *fire district, or other governmental entity or private entity that*
27 *provides first response services at the limited advanced life support*

1 *or advanced life support level or provides emergency ambulance*
2 *services or dispatches EMS resources.*

3 *SEC. 3. Section 1797.105 of the Health and Safety Code is*
4 *amended to read:*

5 1797.105. (a) The authority shall receive plans for the
6 implementation of emergency medical services and trauma care
7 systems from local EMS agencies.

8 (b) After the applicable guidelines or regulations are established
9 by the authority, a local EMS agency may implement a local plan
10 developed pursuant to Section 1797.250, 1797.254, 1797.257, or
11 1797.258 unless the authority determines that the plan does not
12 effectively meet the needs of the persons served and is not
13 consistent with coordinating activities in the geographical area
14 served, or that the plan is not concordant and consistent with
15 applicable guidelines or regulations, or both the guidelines and
16 regulations, established by the authority.

17 (c) A local EMS agency *or a prehospital EMS provider* may
18 appeal a determination of the authority pursuant to subdivision (b)
19 to the commission.

20 (d) In an appeal pursuant to subdivision (c), the commission
21 may sustain the determination of the authority or overrule and
22 permit local implementation of a plan, and the decision of the
23 commission is final.

24 *SEC. 4. Section 1797.201 of the Health and Safety Code is*
25 *repealed.*

26 ~~1797.201. Upon the request of a city or fire district that~~
27 ~~contracted for or provided, as of June 1, 1980, prehospital~~
28 ~~emergency medical services, a county shall enter into a written~~
29 ~~agreement with the city or fire district regarding the provision of~~
30 ~~prehospital emergency medical services for that city or fire district.~~
31 ~~Until such time that an agreement is reached, prehospital~~
32 ~~emergency medical services shall be continued at not less than the~~
33 ~~existing level, and the administration of prehospital EMS by cities~~
34 ~~and fire districts presently providing such services shall be retained~~
35 ~~by those cities and fire districts, except the level of prehospital~~
36 ~~EMS may be reduced where the city council, or the governing~~
37 ~~body of a fire district, pursuant to a public hearing, determines that~~
38 ~~the reduction is necessary.~~

39 Notwithstanding any provision of this section the provisions of
40 Chapter 5 (commencing with Section 1798) shall apply.

1 *SEC. 5. Section 1797.224 of the Health and Safety Code is*
2 *amended to read:*

3 1797.224. A local EMS agency may create one or more
4 exclusive operating areas in the development of a local plan, if a
5 competitive process is utilized to select the provider or providers
6 of the services pursuant to the plan. No competitive process is
7 required if the local EMS agency develops or implements a local
8 plan that continues the use of existing providers operating within
9 a local EMS area in the manner and scope in which the services
10 have been provided without interruption since January 1, 1981. A
11 local EMS agency which elects to create one or more exclusive
12 operating areas in the development of a local plan shall develop
13 and submit for approval to the authority, as part of the local EMS
14 plan, its competitive process for selecting providers and
15 determining the scope of their operations. This plan shall include
16 provisions for a competitive process held at periodic intervals.
17 ~~Nothing in this section supersedes Section 1797.201.~~

18 *SEC. 6. Section 1797.225 is added to the Health and Safety*
19 *Code, to read:*

20 1797.225. (a) *A local EMS agency shall grant to a city, county,*
21 *fire district, or other governmental entity that has continuously*
22 *contracted for, or provided prehospital emergency medical services*
23 *since June 1, 1980, an exclusive operating area or authorization*
24 *to provide the same prehospital emergency medical services if this*
25 *prehospital EMS provider has not already entered into an*
26 *agreement with the local EMS agency to provide prehospital*
27 *emergency medical services for a city, county, or fire district. The*
28 *prehospital EMS provider granted an exclusive operating area or*
29 *authorization to provide prehospital emergency medical services*
30 *shall enter into a written agreement with the local EMS agency*
31 *by December 31, 2013.*

32 (b) *A local EMS agency shall include all prehospital EMS*
33 *providers in its local emergency medical services plans.*

34 (c) *Prehospital EMS providers shall be subject to medical*
35 *control by the local EMS agency, including, but not limited to,*
36 *pursuant to Chapter 5 (commencing with Section 1798), and shall*
37 *comply with local EMS agency policies and procedures regarding*
38 *the administration of the local EMS system.*

1 ~~SEC. 2.~~

2 ~~SEC. 7.~~ Section 1797.270 of the Health and Safety Code is
3 amended to read:

4 1797.270. An emergency medical care committee ~~shall~~ *may*
5 be established in each county in this state. *The committee*
6 *membership shall be representative of the EMS system participants.*
7 Nothing in this division should be construed to prevent two or
8 more adjacent counties from establishing a single committee for
9 review of emergency medical care in these counties.

10 ~~SEC. 3.~~

11 ~~SEC. 8.~~ If the Commission on State Mandates determines that
12 this act contains costs mandated by the state, reimbursement to
13 local agencies and school districts for those costs shall be made
14 pursuant to Part 7 (commencing with Section 17500) of Division
15 4 of Title 2 of the Government Code.